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September 10, 2009

The Honorable Chairman and Members of the Public Utilities Commission of the State of Hawaii 465 South King Street Kekuanaoa Building, First Floor Honolulu, Hawaii 96813 PUBLIC UTILLITIES COMMISSION

Re:

Docket No. 2008-0274 - Decoupling Investigation

Submission of Table of Authorities and

Corrected Table of Contents for HECO Companies' Opening Brief

### Dear Commissioners:

Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc. and Maui Electric Company, Limited (collectively, the "HECO Companies") hereby submit (1) a Table of Authorities, and (2) a corrected Table of Contents, applicable to the Opening Brief of Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc., and Maui Electric Company, Limited, filed September 8, 2009 in the instant docket ("Opening Brief").

The Table of Authorities is being submitted as a result of its inadvertent omission from the Opening Brief. In addition, the original of the Opening Brief (and possibly some of its copies) filed with the Commission inadvertently included a table of contents generated in connection with an earlier draft of the brief that does not reflect the page numbering in the Opening Brief. The corrected Table of Contents submitted herewith accurately reflects the page numbering and corrected section headings in the HECO Companies' Opening Brief.

The Honorable Chairman and Members of the Public Utilities Commission of the State of Hawaii September 10, 2009 Page 2

We apologize for any inconvenience this may have caused. Please call us at (808) 547-5870 if you have any questions.

Very truly yours,

GOODSILL ANDERSON QUINN & STIFEL A LIMITED LIABILITY LAW PARTNERSHIP LLP

Peter Y. Kikuta Damon L. Schmidt

Cc: Division of Consumer Advocacy
Kauai Island Utility Cooperative
Hawaii Renewable Energy Alliance
Haiku Design and Analysis
Hawaii Holdings, LLC, dba First Wind Hawaii
Department of Business, Economic Development, and Tourism
Hawaii Solar Energy Association
Blue Planet Foundation

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Re Hawaiian Electric Co., Docket No. 04-0113, Amended Proposed Decision and Order No. 23768	
(Haw. PUC October 25, 2007)16, 65	5
Re Hawaiian Electric Co., Docket No. 04-0113,  Decision and Order No. 24171	
(Haw. PUC May 1, 2008)16, 65	5
Re Hawaiian Electric Co., Docket No. 2008-0474, Order Initiating Investigation	
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Re Hawaiian Electric Co., Docket No. 2006-0425, Order Denying HECO Companies Amendments to	
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Re Hawaiian Electric Co., Docket No. 2008-0083, Interim Decision and Order	
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Re Southern California Edison Co., 90 P.U.R.3d 1 (Cal. Pub. Util. Comm'n 1971)95	;
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J. Gulder & M. Gabriel, <u>Dealing with Change: The Long-Term</u> <u>Challenge for the Electric Industry,</u> 23 Nat. Resources & Env't 3 (Summer 2008)	
National Regulatory Research Institute, <u>Decoupling Utility</u> <u>Profits from Sales: Design Issues and Options for the</u> <u>Hawaii Public Utilities Commission</u> (January 2009)	
Pacific Economics Group, Revenue Decoupling for Hawaiian Electric Companies (January 30, 2009)	
The Reliability Task Force, Methodology for Determining Reliability Indices for HECO Utilities (December 1990)	
Scott Hempling & David Magnus Boonin, Overview of Regulatory Incentives in the Context of Public Policy Goals (June 2008)	
Wayne Shirley, Jim Lazar & Frederick Weston, Revenue  Decoupling: Standards and Criteria, Regulatory  Assistance Project (June 30, 2008)	
W.H. Auden, Note, <u>The Use of the Future Test Year in</u> <u>Utility Ratemaking</u> , B.U. L. REV. 791 (1972)95	

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